IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

Bail Appl..No. 978 of 2007()

BP.95/2007 of J.M.F.C.,SULTHANBATHERY
(CRIME NO.24/07 OF AMBALAVAYAL POLICE STATION)

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PETITIONER/ACCUSED 1,2&3:

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1. VELAYUDHAN, S/O.ACHUTHAN, AGED 50,
   KIZHAKKEKUNNEL VEEDU, KOLERI,
   POOTHADI AMSOM DESOM, S.BATHERY,
   WAYANAD DISTRICT.

2. BINOY, S/O.SADASIVAN, AGED 32,
   CHILAMBUMKUNNEL VEEDU, KOLERI,
   POOTHADI AMSOM DESOM, S.BATHERY,
   WAYANAD DISTRICT.

3. SUBRAMANIAN, S/O.RAGHAVAN,
   AGED 42, PANGIL VEEDU, KOLERI, NADAVAYAL,
   S. BATHERY, WAYANAD DISTRICT.

BY ADV. SRI.N.J.ANTONY

RESPONDENTS/ COMPLAINANT/STATE:

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1. SUB INSPECTOR OF POLICE,
   AMBALAVAYAL.

2. STATE OF KERALA, REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.978 OF 2007

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DATED THIS THE 20th DAY OF FEBRUARY, 2007

O R D E R

Petitioners who are accused 1 to 3 in Crime No.24/07 of Ambalavayal Police Station for an offence punishable under section 55 (a) of the Abkari Act for allegedly transporting in a jeep 140 litres of toddy mixed with rectified spirit on 2.2.2007 and who were arrested on the same day, seek their enlargement on bail.

2. The learned Public Prosecutor opposed the application.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec.41 A of the Abkari Act are present in this case so as to justify the release of the petitioners on bail.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE.

dsn/-